

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Case No. 05 B 15100
)	Chapter 7
Oahu Sugar Company, LLC,)	Hon. Timothy A. Barnes
)	Hearing Date: Wed., Dec. 12, 2012
Debtor.)	Hearing Time: 10:00 a.m.

NOTICE OF MOTION

To: See attached Service List

PLEASE TAKE NOTICE that on Wednesday, December 12, 2012 at 10:00 a.m. or as soon thereafter as counsel may be heard, the undersigned shall appear before the Honorable Timothy A. Barnes, or any other Judge sitting in his stead, in Courtroom 642 of the Dirksen United States Courthouse, 219 South Dearborn Street, in Chicago, Illinois, and then and there present **THE FINAL APPLICATION OF TRUSTEE'S COUNSEL FOR COMPENSATION**, a copy of which is attached hereto and is hereby served upon you.

Dated: November 14, 2012

ALEX D. MOGLIA, not individually but solely as the
Chapter 7 Trustee

By: /s/ William S. Hackney
One of his Attorneys

William S. Hackney, ARDC No. 06256042
Ean L. Kryski, ARDC No. 06286649
SMITHAMUNDSEN, LLC
150 North Michigan Avenue; Suite 3300
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CERTIFICATE OF SERVICE

I, William S. Hackney, an attorney, hereby certify that I caused true and correct copies of the attached Notice of Motion and The Final Application of Trustee's Counsel for Compensation to be served upon the attached service list via the Court's electronic filing system and First Class Mail, postage pre-paid, as indicated, on this, the 14th day of November, 2012.

/s/ William S. Hackney

Service List

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Case No. 05 B 15100
) Chapter 7
Oahu Sugar Company, LLC,) Hon. Timothy A. Barnes
) Hearing Date: Wed., Dec. 12, 2012
Debtor.) Hearing Time: 10:00 a.m.

**COVER SHEET FOR APPLICATION
FOR PROFESSIONAL COMPENSATION**

Name of Applicant: William S. Hackney and SmithAmundsen LLC

Authorized to Provide
Professionals Services to: Alex D. Moglia, not individually but solely as the chapter 7 trustee

Date of Order Authorizing Employment: February 12, 2009

Period for Which
Compensation is Sought: From August 1, 2009 through March 31, 2011 and July 1, 2011 through the present

SmithAmundsen LLC

Amount of Fees Sought for Allowance	\$20,167.50
Amount of Fees Sought for Payment	\$20,167.50
Amount of Expense Reimbursement Sought:	\$372.12

This is an: Interim Application Final Application **X**

Prior applications that these professionals filed, if any:

Date Filed	Period Covered	Total Requested (Fees & Expenses)	Total Allowed	Any Amount Ordered Withheld
Aug. 18, 2009	02/2009-08/2009	\$9,400.00	\$5,000.00	
Oct. 19, 2011	04/2011-6/2011	\$17,404.46	\$17,404.46	

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Oahu Sugar Company, LLC,)	Hon. Timothy A. Barnes
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**FINAL APPLICATION OF
TRUSTEE'S COUNSEL FOR COMPENSATION**

Now come William S. Hackney and SmithAmundsen LLC (the "Applicant"), as counsel for the trustee of the estate of Oahu Sugar Company, LLC (the "Debtor"), and respectfully submit this final application for the allowance of compensation pursuant to 11 U.S.C. §§330(a) and 503, and state in support as follows:

**I
STATEMENT IN SUPPORT OF APPLICATION
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES**

A. Background

Jurisdiction and Venue

1. The district courts have jurisdiction over this case pursuant to section 1334 of title 28 of the United States Code (the "U.S. Code"). Pursuant to section 157(a) of title 28 of the U.S. Code, this case is properly referred to the bankruptcy courts. Pursuant to section 157(b)(1) and sections 157(b)(2)(A) and (O) of title 28 of the U.S. Code, and Internal Operating Procedure 15 of the Internal Operating Procedures of the United States District Court for the Northern District of Illinois, this case is properly referred to the United States Bankruptcy Court for the Northern District of Illinois. When it filed the petition for relief, the Debtor resided in Cook County, so pursuant to section 1408(1) of title 28 of the U.S. Code venue for this case is proper in the Northern District of Illinois, Eastern Division.

Background

2. The Debtor commenced this case on April 19, 2005, by filing a voluntary petition for relief under chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §101, *et seq.* (the “Bankruptcy Code”). The Office of the United States Trustee appointed Alex D. Moglia, to administer the assets of the estate as the chapter 7 trustee (the “Trustee”).¹

3. After reviewing the Debtor’s Schedules of Assets and Liabilities and Statement of Financial Affairs and examining the Debtor at the meeting of creditors, the Trustee investigated whether the estate held equity in the Debtor’s realty. The Trustee consulted with a real estate broker and a resident of Hawaii who invested in, *inter alia*, realty and determined that the real estate held no value for the estate. The Trustee also investigated the value of an unearned retainer that prior to filing its petition the Debtor tendered to its former law firm. The Trustee retained the Applicant to recover that retainer. The Trustee also instructed the Applicant to consult with the United States of America, Department of Justice, Environmental Enforcement Section, regarding claims to which the estate might be entitled to recover under insurance policies.

4. This Application mainly covers services that the Applicant rendered to investigate the estate’s potential interest in the insurance claims. Notably, the investigation of the potential insurance claims continues with the Trustee’s current attorney and may take some time. However, the Applicant will not be representing the Trustee going forward and will thus not be participating in any further work in this case.

¹ Alex D. Moglia subsequently resigned and the Office of the United States Trustee appointed Andrew Maxwell to be trustee. Thereafter, Mr. Maxwell resigned and Mr. Moglia was reappointed.

Terms for Employment of the Applicant

5. The estate employed the Applicant at its hourly rates and pursuant to 11 U.S.C. §330. The Applicant did not seek and the estate did not provide or pay any retainer. The Trustee did not “promise” any payments to the Applicant outside of advising the Applicant that it would have the right to seek compensation and reimbursement of costs pursuant to 11 U.S.C. §330. The Applicant rendered services to the estate and filed this Application seeking compensation pursuant to 11 U.S.C. §§330 and 503(b). The Applicant’s employment did not impose any caps or limitations on fees or other charges. This Court did not previously award compensation to the Trustee pursuant to 11 U.S.C. §326. However, the Applicant has already received two payments totaling \$22,404.46.

6. However, this is a final application. The Applicant’s request in this Application includes compensation for the following professionals:

PROFESSIONAL/PARAPROFESSIONAL HOURLY RATE

Bruce de’Medici – Professional	\$425.00
William S. Hackney – Professional	\$300.00
Patrick M. Jones – Professional	\$425.00
Ean L. Kryska – Professional	\$250.00

The Applicant charges bankruptcy clients the same rate for similar services.

B. Case Status

7. Financial Status

a.	Cash on deposit:	approx. \$60,000.00
b.	Unencumbered funds in the estate:	approx. \$60,000.00
c.	Operating profit/loss:	N/A
d.	Projected closing date:	Unknown

C. Project Summary

8. In representing the Trustee in this case, the Applicant performed legal services on only one matter: liquidation of assets. The Applicant included detailed time records with this Application that are set forth in chronological order.

9. The structure of the Applicant's retention was to be compensated on an hourly basis. The Applicant compiled its time in hourly, task-based billing, in increments of tenths of an hour, with sufficient detail and categorization to enable this Court to evaluate the propriety of its request for compensation in comparison to the result that it obtained, *viz.*, the eventual payment of claims out of funds that are in the estate through the Applicant's representation of the Trustee.

Liquidation of Assets

10. The Applicant devoted 48.20 hours in connection with the liquidation of the Debtor's assets at a value of \$20,167.50. The Applicant included a copy of the entries for these services within Exhibit A.²

11. The Applicant spent time under this category continuing to pursue recoveries under various insurance policies owned by the Debtor. In particular, the Applicant was forced to subpoena an insurance company, attempt to conduct a 2004 examination of the insurance company, and file a motion to hold that insurance company in contempt simply to get responses from the insurance company. The Applicant then engaged in written discovery with the insurance company as well as a review of the substantial documentation produced by the insurance company. All of these services were necessary steps in the eventual recovery of

² Exhibit A actually evidences 48.90 hours and \$20,465.00 worth of legal services provided to the Trustee. However, a November 17, 2010 charge for attorney Bruce De'Medici is not being requested in the final fee request.

monies owed under the insurance policies. Additionally, the Applicant spent a small amount of time continuing to deal with the sale of the some real estate.

Preparation of Final Fee Application

12. The Applicant prepared this Application in accordance with the applicable standards and devoted time in doing so. In preparing the Application, the Applicant complied with the standards which are set forth in the opinions in *In re Continental Illinois Securities Litigation*, 572 F.Supp. 931 (N.D. Ill. 1983); *In re Pettibone Corp.*, 74 B.R. 293 (Bankr. N.D. Ill. 1987); *In re Wildman*, 72 B.R. 700 (Bankr. N.D. Ill. 1987); Local Rule 5082-1; and the guidelines of the Office of the United States Trustee. However, the Applicant is not currently requesting and will not request in the future any compensation for the preparation or presentation of the Application.

Costs

13. In representing the Trustee, the Applicant has incurred certain costs for cab fare, photocopying, internet research, subpoena fees, and postage in the aggregate amount of \$372.12. The Applicant is entitled to reimbursement for those costs. A log of the costs is attached hereto as Exhibit B.

II
STATEMENT PURSUANT TO 11 U.S.C. §§ 329
AND 504 AND BANKRUPTCY RULE 22016

14. Except to the extent that under 11 U.S.C. §504(b)(1) a professional may share compensation within that party's firm, the Applicant has not agreed to share with any person, firm, or entity any award of fees which it may receive for having represented the Trustee in this case. Furthermore, there is no agreement between the Applicant and any other party for sharing

compensation that any other person, firm, or entity receives in connection with representing the Trustee in this case.

**III
REQUEST FOR RELIEF**

WHEREFORE, William S. Hackney and SmithAmundsen LLC, as counsel for the Trustee, pray that this Court allow compensation and costs as requested herein and grant such other and further relief as this Court deems just and appropriate.

Dated: November 14, 2012

SMITHAMUNDSEN LLC

By: /s/ William S. Hackney

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SUMMARY SHEET

In re:)	Case No. 05 B 15100
)	Chapter 7
Oahu Sugar Company, LLC,)	Hon. Timothy A. Barnes
)	Hearing Date: Wed., Dec. 14, 2012
Debtor.)	Hearing Time: 10:00 a.m.

NAME OF APPLICANT: William S. Hackney/SmithAmundsen LLC
ROLE IN THE CASE: Counsel for Alex D. Moglia, as trustee

SmithAmundsen LLC

Amount of Fees Sought for Allowance	\$20,167.50
Amount of Fees Sought for Payment	\$20,167.50
Amount of Expense Reimbursement Sought:	\$372.12

FEES PREVIOUSLY REQUESTED:	\$26,272.50
FEES PREVIOUSLY AWARDED:	\$21,872.50

EXPENSES PREVIOUSLY REQUESTED:	\$531.96
EXPENSES PREVIOUSLY AWARDED:	\$531.96

RETAINER PAID; -0-

FEE APPLICATION

NAMES OF PROFESSIONAL/ PARAPROFESSIONAL	YEAR ADMITTED TO PRACTICE	HOURS BILLED	RATE	TOTAL TIME BILLED
Bruce de'Medici	1980	7.50	\$425.00	\$3,187.50
William S. Hackney	1998	2.40	\$300.00	\$720.00
Patrick M. Jones	1999	38.20	\$425.00	\$16,235.00
Ean L. Kryska	2005	0.10	\$250.00	\$25.00

Fee Breakdown

CATEGORY	HOURS
Asset Liquidation	48.20
TOTAL	48.20

CATEGORY	FEES (Sought for Allowance)
Asset Liquidation	\$20,167.50
TOTAL	\$20,167.50